

CLERK'S OFFICE U.S. DIST. COURT
AT LYNCHBURG, VA
FILED

3/9/2020

JULIA C. DUDLEY, CLERK

BY: s/ A. Little

DEPUTY CLERK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION

TODD BIGELOW,

Plaintiff,

v.

TOM GARRETT AND
TOM GARRETT FOR CONGRESS,

Defendants.

CASE No. 6:18-cv-00039

ORDER

JUDGE NORMAN K. MOON

This matter is before the Court on Plaintiff's motion to voluntarily dismiss his complaint without prejudice pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure ("Motion for Voluntary Dismissal"). Dkt. 74.

On February 28, 2020, this Court entered an order stating that it would grant Plaintiff's Motion for Voluntary Dismissal, subject to two conditions: (1) that Plaintiff can only refile this action and the copyright infringement claims therein in the Western District of Virginia, Lynchburg Division; and (2) that if Plaintiff should refile this action, Plaintiff shall pay Defendants' reasonable, taxable costs in this action. *See* Dkt. 79 at 1–2. Given those terms the Court would impose on voluntary dismissal, the Court allowed Plaintiff to withdraw his Motion for Voluntary Dismissal within seven days. Dkt. 79 at 3. Plaintiff has not withdrawn his Motion for Voluntary Dismissal or otherwise responded within seven days.

The Court therefore **GRANTS** Plaintiff's Motion for Voluntary Dismissal, Dkt. 74, and **DISMISSES** this action, *without prejudice* and subject to the aforementioned conditions set forth above and in this Court's Order of February 28, 2020, Dkt. 79.

The Clerk of Court is further hereby **DIRECTED** to **STRIKE** this case from the active docket of the Court.

It is so **ORDERED**.

The Clerk of Court is hereby directed to send a copy of this Order to the parties.

ENTERED this 9th day of March, 2020.



NORMAN K. MOON
SENIOR UNITED STATES DISTRICT JUDGE